

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

vs.

HASSAN AHMED DAHIR (7)

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§
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3:10-CR-00260(7)
JUDGE HAYNES

DEFENDANT HASSAN AHMED DAHIR'S MOTION IN LIMINE NO. 1 TO EXCLUDE
EVIDENCE OR REFERENCE TO SOMALIA GANGS

Defendant, Hassan Ahmed Dahir (7), by and through the undersigned counsel, moves this Court to prohibit the government from mentioning in its opening statement or case-in-chief that Defendant Hassan Ahmed Dahir was a gang member of either the "Somalia Outlaws" or the Somalia Mafia." The Introduction of the Second Superseding Indictment states in part that: "[7] HASSAN AHMED DAHIR a/k/a "MOHAMED ALI HUSSEIN", was a member of the SOL/SM." (Docket Entry No. 591, p. 5).

Defendant objects to any attempt by the government to introduce testimony of alleged gang membership into the trial without competent proof from a witness to support the allegations, and requests exclusions of the evidence under Fed. R. Evid. 403. Defendant Dahir submits that any probative value as to testimony about gang membership is substantially outweighed by the danger of unfair prejudice. Defendant Dahir requests a jury out hearing before introduction of testimony about gang membership so as to gauge the reliability and also the relevancy of the evidence under F.R.E. 403. Finally, and in the event that the Court allows testimony about gang membership, Defendant Dahir requests a limiting instruction.

On WSM
For the reasons
stated in
open court
this
motion
is
DENIED.
without prejudice
Will get
USMP
3-29-12